IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.1340 OF 2007

Municipal Labour Union ..Petitioner
v/s.
State of Maharashtra and others .. Respondents

Ms. Neeta P. Karnik for the petitioner.
Ms. M.P. Thakur, Assistant Government Pleader for the respondent No.1.
Mr. R.S. Apte for the respondent Nos.2 and 3.

CORAM : F.I. REBELLO &
R.M. SAVANT, JJ.

DATED : 26TH MARCH, 2007

P.C.

Rule. Heard forthwith.

2. The petitioner has approached this court contending that its members are doing the work of cleaning the city which is a statutory duty of the respondent No.2. It is stated that they are presently working under the contractors and therefore, the contract should be abolished and they should be absorbed in the services of respondent No.2. The only relief this court in such matters can grant is to direct the respondent No.1 on a proposal of respondent No.2 to refer the matter to the Committee constituted under the Contract Labour (Regulation & Abolition) Act, 1970 and thereafter, it is for the respondent No.1 based on the decision of the committee to act according to law.

3. On behalf of the respondent No.5, the learned counsel makes a

statement that original contract has come to an end but however, it is presently continued. In the light of the above, this petition is disposed of by issuing the following directions:

i) The respondent No.1 to refer the case of the members of the petitioner to the Committee constituted under the provisions of the Contract Labour (Regulation & Abolition) Act, 1970 and after the report received to act according to law.

ii) In the meantime, the respondent No.2 to direct the contractors who are engaged to continue the members of the petitioner union who are presently working to the extent that they are required and based on their seniority and also disciplinary rights till such time the decision is taken by the appropriate Government. The appropriate Government to complete the exercise within a period of six months from today.

Rule made absolute accordingly. No order as to costs.

(F.I. REBELLO, J.)

(R.M. SAVANT, J.)